

REMARKS/ARGUMENTS

Upon entry of the above amendment, claims 20-33, 40, and 47-49 will have been canceled. Claims 34, 41, and 50-51 will have been amended, and claims 52-53 will have been submitted for consideration by the Examiner. Thus, claims 34-39, 41-46, and 50-53 remain pending. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action.

Turning to the merits of the action, the Examiner has rejected claims 20-51 under 35 U.S.C § 102(e) as being anticipated by MATSUEDA et al. (U.S Patent No. 6,301,016).

As noted above, Applicant has canceled claims 20-33, 40, and 47-49 without prejudice or disclaimer. Applicant also has amended claims 34, 41, and 50-51, based on features of the rejected claims 40 and 47, and has submitted new claims 52-53 for consideration. Further, claims 35-39 and 42-46 remain pending for consideration.

Applicant respectfully traverses the above rejection based on the pending claims and will discuss said rejection with respect to the pending claims in the present application as will be set forth herein below.

The amended claims merely clarify the subject matter recited in the rejected claims 34, 41, and 50-51, based on the recitations of canceled claims 40 and 47, and thus do not raise new issues. The newly submitted claims 52-53 are also generally related to the subject matter of the canceled claims 40 and 47, and thus also do not raise new issues.

Applicant's claims 34-39 and 52 relate to a facsimile device which connects to another device via a LAN and receives image data via a PSTN. The facsimile has a memory which stores the received image data. The facsimile prints the image data stored in the memory and has a controller which controls printing of the stored image data by the printer. The controller converts the image data stored in the memory into data configured for an Internet transmission and transfers the converted data to the another device via the LAN interface when the memory is full and the memory continues to be full for a predetermined time. Claim 50 recites a related method.

Applicant's claims 41-46 and 53 relate to a facsimile device which connects to a LAN and receives data via the LAN. The LAN is connected to another device via the LAN. The facsimile has a memory which stores the data. The facsimile has a printer which prints the data stored in the memory and a controller which controls printing of the stored data by the printer. The controller transfers the data stored in the memory to the another device via the LAN interface when the memory is full and the memory continues to be full for a predetermined time. Claim 51 recites a related method.

On the other hand, MATSUEDA et al. disclose a data processing apparatus which, when an available space of an image data memory becomes insufficient, can store

received data in a memory of another apparatus connected to a LAN (see. col. 14, lines 51-55 of MATSUEDA et al.). However, MATSUEDA et al. determines whether to store the received data in the memory of the another apparatus, based on whether the available space of the an image data memory is insufficient, but not based on the memory continuing to be full for a predetermined time. Sometimes sufficient space can became available in the memory (such as the data processing apparatus is printing out data stored in the memory, when new data to be stored in the memory is received.), even if the space of the memory is insufficient, if the data processing apparatus waits for a predetermined time before storing the received data in the memory of the data processing apparatus. In this case, storing the received data in the memory of the data processing apparatus is more efficient than storing it in the memory of the another apparatus connected to the LAN, since, in the former case, it is not necessary to transfer the received data to the another apparatus. However, since MATSUEDA et al. merely judge whether the available space of the an image data memory is insufficient, MATSUEDA et al. always store the received data in the memory of the another apparatus, even if the sufficient space will occur in the memory of the data processing apparatus within the predetermined time.

In other words, MATSUEDA et al. do not judge both whether the memory is full and whether the memory continues to be full for a predetermined time. Thus, MATSUEDA et al. do not disclose the claimed facsimile device which, when a memory is full (shown at ST 920 of Fig. 11 of the present invention) and the memory continues to be full for a predetermined time (shown at ST 930 of Fig. 11 of the present invention),

P20113.A04

transfers the data stored in the memory to another device via a LAN interface. The two conditions recited in the claims of Applicant's invention, i.e. "memory is full" and "continues to be full" in the various claimed combination, are not disclosed by the applied prior art.

Therefore, it is respectfully submitted that the features recited in Applicant's pending claims are not taught by MATSUEDA et al. cited by the Examiner.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application, in due course. Moreover, since the features added to the independent claims have already been considered by the Examiner in setting forth the rejections of claims 40 and 47, the present amendment raises no new issues and should be entered.

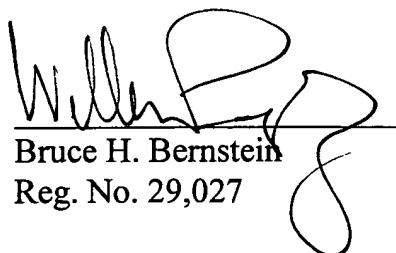
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has canceled several claims and has submitted the features into the pending claims for consideration by the Examiner. With respect to the amended independent claims, Applicant has pointed out the features thereof and has contrasted the features of the amended claims with the disclosure of the applied reference. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Satoshi YASHIKI


Bruce H. Bernstein
Reg. No. 29,027
RN#33630

September 29, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191